

## CCRB INVESTIGATIVE RECOMMENDATION

Investigator: Chart Riggall	Team: Squad #4	CCRB Case #: 201802697	<input type="checkbox"/> Force	<input checked="" type="checkbox"/> Discourt.	<input type="checkbox"/> U.S.
			<input type="checkbox"/> Abuse	<input type="checkbox"/> O.L.	<input type="checkbox"/> Injury
Incident Date(s) Wednesday, 03/28/2018 10:36 PM	Location of Incident: 23rd Avenue and 28th Street	Precinct: 114	18 Mo. SOL 9/28/2019	EO SOL 9/28/2019	
Date/Time CV Reported Fri, 04/06/2018 3:01 PM	CV Reported At: CCRB	How CV Reported: Phone	Date/Time Received at CCRB Fri, 04/06/2018 3:01 PM		

Complainant/Victim	Type	Home Address

Subject Officer(s)	Shield	TaxID	Command
1. POF Gabriela Gonzalez	14183	961792	114 PCT

Witness Officer(s)	Shield No	Tax No	Cmd Name
1. LT Miguel Figueroa	00000	939822	114 PCT

Officer(s)	Allegation	Investigator Recommendation
A.POF Gabriela Gonzalez	Discourtesy: Police Officer Gabriela Gonzalez acted discourteously toward § 87(2)(b)	
B.POF Gabriela Gonzalez	Discourtesy: Police Officer Gabriela Gonzalez spoke discourteously to § 87(2)(b)	

### Case Summary

On April 6, 2018, § 87(2)(b) filed this complaint with the CCRB by telephone.

On March 28, 2018, at approximately 10:36 PM, PO Gabriela Gonzalez stopped § 87(2)(b)'s vehicle. After issuing a summons to § 87(2)(b) PO Gonzalez tossed his keys in through the vehicle's window (**Allegation A: Discourtesy**, § 87(2)(g) and said to § 87(2)(b) "And don't drive like a dick-headed loser" (**Allegation B: Discourtesy**, § 87(2)(g) § 87(2)(b) was issued a summons for § 87(2)(b) (BR 01).

There was no known video footage of this incident.

### Findings and Recommendations

#### **Allegation (A) Discourtesy: Police Officer Gabriela Gonzalez acted discourteously toward**

§ 87(2)(b)

#### **Allegation (B) Discourtesy: Police Officer Gabriela Gonzalez spoke discourteously toward**

§ 87(2)(b)

It is undisputed that on March 28, 2018, at approximately 10:36 PM, PO Gabriela Gonzalez and Lt. Miguel Figueroa stopped § 87(2)(b)'s vehicle at the intersection of 23<sup>rd</sup> Avenue and 28<sup>th</sup> Street in Queens, and that he was issued a summons for running a red light. The circumstances surrounding what occurred after PO Gonzalez and Lt. Figueroa stopped § 87(2)(b) are in dispute.

§ 87(2)(b) (BR 02) said that when he pulled over on 23<sup>rd</sup> Avenue, he heard a female voice over the police vehicle's PA loudspeaker say, "Turn the car off," two times, although his vehicle was already off. He then heard a male voice issue the same command twice. § 87(2)(g)

§ 87(2)(b)  
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§ 87(2)(b)

After the officers issued this command approximately four or five times, § 87(2)(b) called back to them, saying, "The car is off." PO Gonzalez then approached the driver side door of § 87(2)(b)'s vehicle while Lt. Figueroa approached the passenger side door. PO Gonzalez asked § 87(2)(b) "Where are your keys?" Before § 87(2)(b) could respond, PO Gonzalez reached in to § 87(2)(b)'s vehicle towards the ignition. Failing to find his keys, she asked him again where they were. § 87(2)(b) told PO Gonzalez that his keys were on the dashboard, and PO Gonzalez removed them and placed them in her pocket. After issuing § 87(2)(b) his summons, PO Gonzalez, when returning his keys to him, tossed them in to his car through the driver's side window from approximately a foot and a half away, where they landed in § 87(2)(b)'s lap. As she walked away, she said to him, "And don't drive like a dick-headed loser."

PO Gonzalez (BR 03) said that because she had observed § 87(2)(b) driving recklessly, and believed that his car was still on when she pulled him over, she asked Lt. Figueroa to use the police vehicle's PA loudspeaker to command § 87(2)(b) to turn off his car and place his keys on the car's roof. § 87(2)(b) complied and placed his keys on the car's roof, directly above his head. PO Gonzalez and Lt. Figueroa approached § 87(2)(b)'s vehicle and issued him a summons for running a red light. At the conclusion of the stop, after she had given § 87(2)(b) his summons, PO Gonzalez reached to the roof of the car, took § 87(2)(b)'s keys, and placed them in his hand.

PO Gonzalez denied throwing or tossing § 87(2)(b)'s keys in to his car or at him. She denied calling § 87(2)(b) a “dick-headed loser,” or using any profanity during the incident.

Lt. Figueroa’s testimony (BR 04) was consistent with PO Gonzalez’s in this regard. He did not see PO Gonzalez toss § 87(2)(b)'s keys at him, or hear her use any profanity during the incident.

§ 87(2)(g)

#### **Civilian and Officer CCRB Histories**

- This is the first CCRB complaint to which § 87(2)(b) has been a party.
- PO Gonzalez has been a member of service for one year and has not been a subject in any prior CCRB complaints.

#### **Mediation, Civil and Criminal Histories**

- § 87(2)(b) declined to mediate this complaint.
- On June 1, 2018, a FOIL request was set to the New York City Comptroller’s office. The results will be added to the case file upon receipt.

- [§ 87(2)(b)] [§§ 86(1)(3)&(4)] [§ 87(2)(c)]

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Squad No.: \_\_\_\_\_

Investigator: \_\_\_\_\_

Signature	Print Title & Name	Date
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Squad Leader: \_\_\_\_\_

Signature	Print Title & Name	Date
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Reviewer: \_\_\_\_\_

Signature	Print Title & Name	Date
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